

Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 2120)

JUNE 3, 1994

(410) 887 3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chepapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Project Name: Hill Property Project Number: II-509 Location: S/S Marriottsville Road, 300' W of Granite Road Existing: 10301 Marriottsville Road ; Proposed: 10305 Marriottsville Road

Proposed: 10303 Marriottsville Road; Proposed: 3612 Granite Road; Proposed: 3532 Granite Road; Proposed: 3530 Granite Road; Proposed: 3518 Granite Road; Proposed: 3516 Granite Road Proposed: 3514 Granite Road Applicant: Walter and Barbara Hill Engineer: John G. Trueschler

Proposal: 9 single family dwellings

Acres: 29.64

CASE NUMBER: 94-484-A (Item 476) 10301 Marriottsville Road S/S Marriottsville Road, 300 W of Granite Road 2nd Election District - 1st Councilmanic Legal Owner(s): Walter W. Hill, Jr. and Barbara C. Hill

Variance to permit a 70 foot front yard setback in lieu of the required 75 feet front yard setback from the centerline of Marriottsville Road thus permitting the existing house to remain in its current location rather than be razed.

HEARING: WEDNESDAY, JULY 6, 1994 at 2:00 p.m. in Rm. 118 Old Courthouse.

Arnold Jablon

cc: Walter and Barbara Hill John G. Trueschler

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. on Mecycled Paper (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

CERTIFICATE OF PUBLICATION

____ TOWSON, MD., Lewis 10 . 19 94

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of / successive weeks, the first publication appearing on $\frac{1994}{100}$

THIS IS TO CERTIFY, that the annexed advertisement was

THE JEFFERSONIAN. LEGAL AD. - TOWSON

5 1 act P.C 6150

Please Make Checks Payable To Baltimore County

Baltimore County Government Office of Zoning Administration

(410) 887-3353

June 24, 1994

John G. Trueschler, Esquire 40 West Chesapeake Avenue

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 2, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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> has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

---Maryland Department of Transportation

O. James Lighthizer Hal Kassoff Administrator

10-10-94

Ms. Charlotte Minton Zoning Administration and **Development Management** County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Bob Snall

Re: Baltimore County

Item No.: \$ 474 (JKA)

DAVID N. IZAHGEY, ACTING CHIEF-John Contestabile, Chief **Engineering Access Permits**

My telephone number is ____ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

(a) 对整理等于""。

RE: PETITION FOR VARIANCE 10301 Marriottsville Road, S/S Marriottsville Road, 300' W of Granite Road, 2nd Election Dist., 1st Councilmanic

TO: PUTUXENT PUBLISHING COMPANY

40 W. Chesapeake Avenue, Suite 605

CASE NUMBER: 94-484-A ([tem 476)

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LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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2nd Election District - 1st Councilmanic

10301 Marriottsville Road

Please foward billing to:

John G. Trueschler

Towson, Maryland 21204

June 9, 1994 Issue - Jeffersonian

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Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

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BEFORE THE ZONING COMMISSIONER

Walter W. Hill, Jr., et al. Petitioners

FOR BALTIMORE COUNTY CASE NO.: 94-484-A * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27 to day of June, 1994, a copy of the foregoing Entry of Appearance was mailed to John G. Trueschler, Esq., 40 W. Chesapeake Avenue, Suite 605, Towson, MD 21204, attorney for Petitioners.

> Peter Max Temmerman PETER MAX ZIMMERMAN

John G. Trueschler Landplanning & Design Services 40 West Chesapeake Avenue, Suite 605 Towson, Maryland 21204 (410) 321-0000 · Fax 828-0249

June 2, 1994

Baltimore County Office Of Zoning Administration And Development Management 111 Chesapeake Avenue Towson, Maryland 21204

RE: Petition for Variance 1030! Marriottsville Road

Dear ZONING:

Attached are:

1. three (3) original Petitions For Variance; 2. a check for \$50 made payable to Baltimore County;

3. 12 copies of the "Site Development Plan, Final Development Plan, and Plat to Accompany Petition for Variance:" 4. three (3) original survey descriptions of the property; and

5. one copy of the 200 scale zoning maps NW 7-K and 8-K.

Please note that I am simultaneously filing the Development Plan/F.D.P. today. Don Rascoe is the project manager.

If you have any questions, please give me a call.

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JULY 6, 1994 at 2:00 p.m. Variance: to permit a 70 foo front yard setback in lieu of the required 75 feet front yard setback from the centerline of Marriottsville Road thus permitting the existing house to re-main in its current location LAWRENCE E. SCHMIDT.

Towson, MD 21204

RE: Case No. 94-484-A, Item No. 476 Petition for Variance

Any comments submitted thus far from the members of ZAC that offer or

1. The director of Zoning Administration and Development Management

Item Number:

Date Filed:

proper form.

Need an attorney

PET-FLAG (TXTSOPH)

11/17/93

The following information is missing:

Zoning

Acreage

Actual address of property

Councilmanic district

owner/contract purchaser

and/or commission has expired

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been

placed on the agenda for the zoning advisory committee. However, the following

items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the

Zoning Commissioner's review. The planner that accepted the petition for filing has

Zoning Commissioner's review of the petition regarding the items noted below. If

the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate

decision and responsibility to make a proper application, address any zoning

conflicts, and to file revised petition materials if necessary. Delays and

unnecessary additional expenses may be avoided by correcting the petition to the

Plats (need 12, only ____ submitted)

BCZR section information and/or wording

legal owner and/or contract purchaser

Hardship/practical difficulty information

Owner's signature (need minimum 1 original signature) and/or

printed name and/or address and/or telephone number

Signature (need minimum 1 original signature) and/or

printed name and/or title of person signing for legal

Power of attorney or authorization for person signing for

Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number Notary Public's section is incomplete and/or incorrect

INTAKE INFORMATION - REVIEWED BY DATE

LENGTH OF HEARING

signature) and/or printed name and/or address

Contract purchaser's signature (need minimum 1 original

200 scale zoning map with property outlined

Descriptions, including accurate beginning point

the option of notifying the petitioner and/or attorney prior to the hearing or

Cashier Validation

111 West Chesapeake Avenue

Suite 605

Petitioner: Walter W. Hill, et ux

Dear Mr. Trueschler:

6/144 June 9.

and Development Management

Towson, Maryland 21204

11/6

DEVELOPMENT FLAN HEARING AND * BEFORE THE HEARING OFFICER/ PETITION FOR ZONING VARIANCE (+/-) W of Granite Road 9 Geier Court (Hill Loperty)

Walter Hill, et ux

Applicant/Developer

S/S Marriottsville Road, 300 ft. * ZONING COMMISSIONER OF BALTIMORE COUNTY 2nd Election District * Case Nos. II-509 & 94-484-A 1st Councilmanic District

* * * * * * * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND VARIANCE ORDER

This matter comes before the Zoning Commissioner/Hearing Officer for consideration of a development plan prepared by Nehemiah Enterprises, Inc., Land Planners and Consultants, for the development of the subject property owned by Walter and Barbara Hill, known as the Hill Property. The plan proposes the development of 8 single family dwelling lots on the subject site of 28.5 acres which is zoned R.C.5. The development will be in accordance with the development plan submitted and accepted into evidence as Developer's Exhibit No. 1. As to the Patition for Zoning Variance, relief is requested from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit a 70 ft. front yard setback, in lieu of the required 75 ft., from the c/l of Marriottsville Road permitting the existing house to remain in its current location.

Appearing at the required Hearing Officer's hearing was the property owner, Walter Hill. Also present were John Trueschler, the Landscape Architect who prepared the plan, and Joel Leininger on behalf of S.J. Martenet and Company. Also present were a number of interested citizens from the surrounding locale. These included William and Eva Mitchell, Jeffrey C. Gerhold and Kathryn Hale. Also present were several representatives of the various Baltimore County agencies who evaluated the project. These included Donald Roscoe, the Project Manager, and John L.

As to the Petition for Zoning Variance, noted above, the Developer

Pursuant to the development regulations of Baltimore County, as con-

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore Coun-

day of July 1994, that the development plan submitted in

Zoning Commissioner for Baltimore County

tained within Subtitle 26 of the Baltimore County Code, the advertising of

the property and the public hearing thereon, I will approve the develop-

ment plan consistent with the comments set forth above and shall so or-

the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby

approved in accordance with the terms and conditions as set forth herein;

1A04.3.B.3 of the BCZR to permit a 70 ft. front yard setback in lieu of

the required 75 ft. from the c/l of Marriottsville Road, be and is hereby

tion 26-209 of the Baltimore Cour y Code and the applicable provisions of

IT IS FURTHER ORDERED that the Petition for Variance from Section

Any appeal from this decision must be taken in accordance with Sec-

has requested that same be withdrawn, and I shall so order.

Lewis from the Office of Zoning Administration and Resource Management (ZADM), Leslie Schreiber from the Department of Public Works, Francis Morsey from the Office of Planning and Zoning and Larry Pilson from the Department of Environmental Protection and Resource Management.

As to the history of the project, a Concept Plan was submitted on June 7, 1993. Thereafter a Community Input Meeting was held on June 30 1993 at the Hernwood Elementary School. The Development Plan was submitted and a conference was held on June 15, 1994. The Hearing Officer's hearing was scheduled and held on July 6, 1994.

As noted above, the project proposes residential development on the subject site. Presently, this site is unimproved, but for an existing house and barn on the north side of the property. The Developer indicated that the house and barn may be razed and, if not, a variance for the height of the barn might be necessary. However, that variance was not part of the request for approval at the Hearing Officer's hearing.

At that hearing, Mr. Trueschler, on behalf of the Developer, indicated that there were no outstanding or unresolved issues to his knowledge. He produced a red line development plan which is noted above and accepted as Developer's Exhibit No. 1. This plan contains several red line amendments to the original development plan to bring same into compliance with the development plan comments. Specifically, it combined lots Nos. 1 and 2 into a single lot and made certain other changes as requested by the reviewing agencies. With these changes, the plan will allow for the creation of 8 single family lots ranging in size from approximately 2.32 acres to 7.34 acres each. The density available under the R.C.5 zoning classification is more than sufficient to support the number of units proposed. It is also to be noted that the site consists of slopes, wetlands and other constraints which limit the amount of developable area.

As to any unresolved issues from the reviewing agencies, Mr. Schreiber from the Department of Public Works (DPW) testified and produced a draft request for waiver of Public Works standards pursuant to Section 26-172 of the Baltimore County Code. His draft correspondence, dated July 6, 1994, shall be incorporated herein. Specifically, DPW agreed with the Developer that certain improvements to Marriottsville Road and Granite Road can be waived in this case so as to preserve the rural nature of this locale. Notwithstanding their draft form at the hearing before me, I shall approve and incorporate the comments contained within this correspon-

Mr. Schreiber also indicated that ongoing negotiations with the Developer were continuing regarding street lights for the development. Street lights for this development shall be in accordance with the requirements of law, recognizing the low density nature of this subdivision and character of the surrounding locale.

dence as a condition to this Order.

The other agencies of Baltimore County all indicated that the plan was appropriate and that there were no outstanding issues.

As to the citizens who attended, all reside along Granite Road on the east side of the property. Their concerns all related to lot No. 4 as shown on the plan. They do not object to the balance of the development on this site. As the plan indicates, lot No. 4 is accessed by a driveway which is located between the properties owned by Mr. and Mrs. Hale and Mr. and Mrs. Gerhold. This driveway winds to the interior of the subject site and the location of a proposed single family house on lot No. 4.

A number of questions were raised about this lot and the access thereto. There were concerns expressed over the exact placement of the lot and area of the building envelope. Mr. Trueschler responded to these questions and indicated that the site had been field surveyed and that the

placement of the dwelling was appropriate. He fielded the questions raised by the Protestants appropriately and adequately addressed the concerns expressed in my view. He also discussed, along with Mr. Schreiber, the vehicular access and sight distances from the proposed driveway along Granite Road. Those all appeared to be appropriate and satisfy Baltimore County and State Highway Administration standards.

Perhaps, the citizens' concerns were best summed up by the testimony of Mr. Gerhold. He noted that the community of homes along Granite Road was a well established community of long time homeowners. He fears for the damage to the ambiance of the surrounding locale. Clearly, this is a tranquil area and he wants the existing character of the vicinity to be maintained.

I am appreciative of the citizens' comments in this regard. It is quite logical that they wish to preserve the existing character of the neighborhood. However, it must be recognized that a property owner has the right to utilize his property in a lawful manner, so long as he observes all relevant development codes and regulations. Clearly, this is not a case where the Developer is overburdening the existing land and stretching the available density to its limit. Under the existing density regulations, 19 lots would be permitted. Less than one-half of that number are actually proposed. Thus, although I am appreciative of the Protestants concerns, I do not deem it appropriate to reduce the number of lots proposed on this site. The location and use of lot No. 4 is appropriate. Moreover, the proposed house will be buffered by the installation of evergreens and landscaping on its east side, towards the back of the homes on Granite Road. For these reasons, I am not persuaded to alter the plan and reduce the number of lots or eliminate lot No. 4. Therefore, the red line plan, as submitted, shall be approved.

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 10301 Marriottsville Road, Randalistown, MD 21133 which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

PRACTICAL DIFFICULTY - SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to he bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the Contract Purchaser/Lessee: N/A Walter It. The BARBARA C. HILL work (410) 242-2200 Randallstown, Maryland 21133

40 West Chesapeake Ave. Suite 605

Printed with Soybean Ink on Recycled Paper

ATTACHMENT TO PETITION FOR VARIANCE FOR 10301 MARRIOTTSVILLE ROAD

PETITION FOR VARIANCE FROM SECTIONS:

1A04.3.B.3. to permit a 70 foot front yard setback in lieu of the required 75' front yard setback from the centerline of Marriottsville Road thus permitting the existing house to remain in its current location rather than be razed.

JUSTIFICATION FOR PETITION FOR VARIANCE

The petitioners would like the opportunity to preserve an existing house which they value for its character and aesthetic appeal. The front of the house is located 70' from the centerline of Marriottsville Road. Given the age and condition of the house, moving it is impossible or impractical; the risk of damage and/or prohibitive cost of relocation render compliance with the 75' front yard setback unnecessarily burdensome. Thus, strict compliance with the Baltimore County Zoning Regulations results in practical difficulty

Granting the requested variance would not result in a substantial injustice to the applicant or to other property owners. The house has existed in its current location for approximately 60 yea: s, and therefore, the variance will simply maintain the status quo.

The relief sought complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare by allowing the preservation of an existing structure which has been generally and consistently encouraged by the Baltimore Council through legislation and by the Office Planning & Zoning policy.

JOEL M. LEININGER DAVID S. PAPLAUCKAS THOMAS L. WILHELM

LAND SURVEYORS S. J. MARTENET & COMPANY, INC. ESTABLISHED 1849 190 WEST OSTEND STREET BALTIMORE, MARYLAND 21230 (410) 539-4263

SIMON J. MARTENET 1849-1892 HARRY G. JAVINS 1871-1894 SEPTIMUS P. TUSTIN 1870-1921 J. HOWARD SUTTON 1884-1940 WILLIAM O. ATWOOD 1887-1931 SAMUEL A. THOMPSON 1898-1944 SEORGE E. WIMMER 1907-1943 HOWARD D. TUSTIN 1907-1960 HOWARD C. SUTTON 1944-1969 HOWARD D. TUSTIN, JR. 1945-1988

DESCRIPTION TO ACCOMPANY VARIANCE PETITION PROPERTY OF WALTER HILL SECOND ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same in the center of Mariottsville Road at a point distant South 62° 11' 23" West 300.00 feet (measured along the center of said road) from the intersection of the center of said road and the center of Granite Road, and running thence, with all courses of this description referred to the meridian established in the Baltimore County Metropolitan District, the seven following courses and distances, viz:

(1) South 14° 06' 15" West 557.65 feet,

(2) North 75° 53' 45" West 200.00 feet,

(3) South 14° 50' 30" West 125.00 feet,

(4) North 47° 39' 29" West 260.00 feet, (5) North 01° 36' 20" West 300.00 feet,

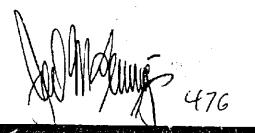
(6) North 88° 23' 40" East 317.99 feet, and

(7) North 62° 11' 23" East 276.53 feet to the point of

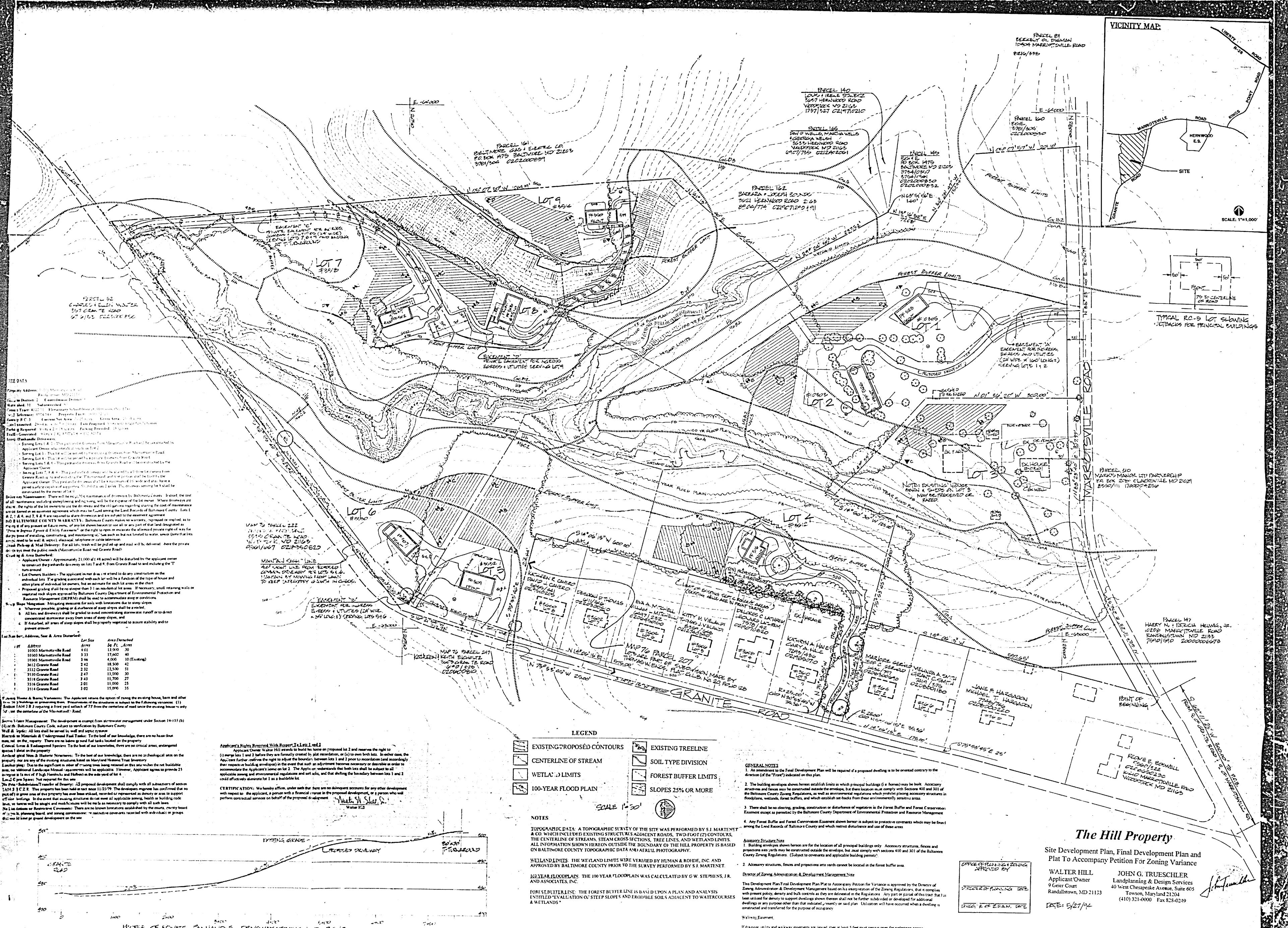
beginning; containing 4.5867 acres of land, more or less.

*** NOTE: THIS DESCRIPTION WAS PREPARED SOLELY TO BE USED ZONING PURPOSES AND IS NOT INTENDED TO BE USED IN THE CONVEYANCE OF REAL PROPERTY.

Page 1 of 1



DISMISSED.



Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 2120)

JUNE 3, 1994

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Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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LAWRENCE E. SCHMIDT

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PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

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> Peter Max Temmerman PETER MAX ZIMMERMAN

John G. Trueschler Landplanning & Design Services 40 West Chesapeake Avenue, Suite 605 Towson, Maryland 21204 (410) 321-0000 · Fax 828-0249

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Dear ZONING:

Attached are:

1. three (3) original Petitions For Variance; 2. a check for \$50 made payable to Baltimore County;

3. 12 copies of the "Site Development Plan, Final Development Plan, and Plat to Accompany Petition for Variance:" 4. three (3) original survey descriptions of the property; and

5. one copy of the 200 scale zoning maps NW 7-K and 8-K.

Please note that I am simultaneously filing the Development Plan/F.D.P. today. Don Rascoe is the project manager.

If you have any questions, please give me a call.

NOTICE OF HEARING The Zoning Commissioner of Raltimore County, by authority of the Zoning Act and Regula-tions of Baltimore County will hold a public hearing on the conserve identified hereign in property identified herein in Room 106 of the County Office Building, located at 111 W Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as 94-484-A (Item 476) 10301 Marnottsville Road, S.S. Marnottsville Road, 300 W. of Granite Road st Councilmanic Legal Owner(s). Walter W. Hill, Jr. and Barbara C Hill HEARING: WEDNESDAY

JULY 6, 1994 at 2:00 p.m. Variance: to permit a 70 foo front yard setback in lieu of the required 75 feet front yard setback from the centerline of Marriottsville Road thus permitting the existing house to re-main in its current location LAWRENCE E. SCHMIDT.

Towson, MD 21204

RE: Case No. 94-484-A, Item No. 476 Petition for Variance

Any comments submitted thus far from the members of ZAC that offer or

1. The director of Zoning Administration and Development Management

Item Number:

Date Filed:

proper form.

Need an attorney

PET-FLAG (TXTSOPH)

11/17/93

The following information is missing:

Zoning

Acreage

Actual address of property

Councilmanic district

owner/contract purchaser

and/or commission has expired

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been

placed on the agenda for the zoning advisory committee. However, the following

items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the

Zoning Commissioner's review. The planner that accepted the petition for filing has

Zoning Commissioner's review of the petition regarding the items noted below. If

the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate

decision and responsibility to make a proper application, address any zoning

conflicts, and to file revised petition materials if necessary. Delays and

unnecessary additional expenses may be avoided by correcting the petition to the

Plats (need 12, only ____ submitted)

BCZR section information and/or wording

legal owner and/or contract purchaser

Hardship/practical difficulty information

Owner's signature (need minimum 1 original signature) and/or

printed name and/or address and/or telephone number

Signature (need minimum 1 original signature) and/or

printed name and/or title of person signing for legal

Power of attorney or authorization for person signing for

Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number Notary Public's section is incomplete and/or incorrect

INTAKE INFORMATION - REVIEWED BY DATE

LENGTH OF HEARING

signature) and/or printed name and/or address

Contract purchaser's signature (need minimum 1 original

200 scale zoning map with property outlined

Descriptions, including accurate beginning point

the option of notifying the petitioner and/or attorney prior to the hearing or

Cashier Validation

111 West Chesapeake Avenue

Suite 605

Petitioner: Walter W. Hill, et ux

Dear Mr. Trueschler:

6/144 June 9.

and Development Management

Towson, Maryland 21204

11/6

DEVELOPMENT FLAN HEARING AND * BEFORE THE HEARING OFFICER/ PETITION FOR ZONING VARIANCE (+/-) W of Granite Road 9 Geier Court (Hill Loperty)

Walter Hill, et ux

Applicant/Developer

S/S Marriottsville Road, 300 ft. * ZONING COMMISSIONER OF BALTIMORE COUNTY 2nd Election District * Case Nos. II-509 & 94-484-A 1st Councilmanic District

* * * * * * * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND VARIANCE ORDER

This matter comes before the Zoning Commissioner/Hearing Officer for consideration of a development plan prepared by Nehemiah Enterprises, Inc., Land Planners and Consultants, for the development of the subject property owned by Walter and Barbara Hill, known as the Hill Property. The plan proposes the development of 8 single family dwelling lots on the subject site of 28.5 acres which is zoned R.C.5. The development will be in accordance with the development plan submitted and accepted into evidence as Developer's Exhibit No. 1. As to the Patition for Zoning Variance, relief is requested from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit a 70 ft. front yard setback, in lieu of the required 75 ft., from the c/l of Marriottsville Road permitting the existing house to remain in its current location.

Appearing at the required Hearing Officer's hearing was the property owner, Walter Hill. Also present were John Trueschler, the Landscape Architect who prepared the plan, and Joel Leininger on behalf of S.J. Martenet and Company. Also present were a number of interested citizens from the surrounding locale. These included William and Eva Mitchell, Jeffrey C. Gerhold and Kathryn Hale. Also present were several representatives of the various Baltimore County agencies who evaluated the project. These included Donald Roscoe, the Project Manager, and John L.

As to the Petition for Zoning Variance, noted above, the Developer

Pursuant to the development regulations of Baltimore County, as con-

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore Coun-

day of July 1994, that the development plan submitted in

Zoning Commissioner for Baltimore County

tained within Subtitle 26 of the Baltimore County Code, the advertising of

the property and the public hearing thereon, I will approve the develop-

ment plan consistent with the comments set forth above and shall so or-

the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby

approved in accordance with the terms and conditions as set forth herein;

1A04.3.B.3 of the BCZR to permit a 70 ft. front yard setback in lieu of

the required 75 ft. from the c/l of Marriottsville Road, be and is hereby

tion 26-209 of the Baltimore Cour y Code and the applicable provisions of

IT IS FURTHER ORDERED that the Petition for Variance from Section

Any appeal from this decision must be taken in accordance with Sec-

has requested that same be withdrawn, and I shall so order.

Lewis from the Office of Zoning Administration and Resource Management (ZADM), Leslie Schreiber from the Department of Public Works, Francis Morsey from the Office of Planning and Zoning and Larry Pilson from the Department of Environmental Protection and Resource Management.

As to the history of the project, a Concept Plan was submitted on June 7, 1993. Thereafter a Community Input Meeting was held on June 30 1993 at the Hernwood Elementary School. The Development Plan was submitted and a conference was held on June 15, 1994. The Hearing Officer's hearing was scheduled and held on July 6, 1994.

As noted above, the project proposes residential development on the subject site. Presently, this site is unimproved, but for an existing house and barn on the north side of the property. The Developer indicated that the house and barn may be razed and, if not, a variance for the height of the barn might be necessary. However, that variance was not part of the request for approval at the Hearing Officer's hearing.

At that hearing, Mr. Trueschler, on behalf of the Developer, indicated that there were no outstanding or unresolved issues to his knowledge. He produced a red line development plan which is noted above and accepted as Developer's Exhibit No. 1. This plan contains several red line amendments to the original development plan to bring same into compliance with the development plan comments. Specifically, it combined lots Nos. 1 and 2 into a single lot and made certain other changes as requested by the reviewing agencies. With these changes, the plan will allow for the creation of 8 single family lots ranging in size from approximately 2.32 acres to 7.34 acres each. The density available under the R.C.5 zoning classification is more than sufficient to support the number of units proposed. It is also to be noted that the site consists of slopes, wetlands and other constraints which limit the amount of developable area.

As to any unresolved issues from the reviewing agencies, Mr. Schreiber from the Department of Public Works (DPW) testified and produced a draft request for waiver of Public Works standards pursuant to Section 26-172 of the Baltimore County Code. His draft correspondence, dated July 6, 1994, shall be incorporated herein. Specifically, DPW agreed with the Developer that certain improvements to Marriottsville Road and Granite Road can be waived in this case so as to preserve the rural nature of this locale. Notwithstanding their draft form at the hearing before me, I shall approve and incorporate the comments contained within this correspon-

Mr. Schreiber also indicated that ongoing negotiations with the Developer were continuing regarding street lights for the development. Street lights for this development shall be in accordance with the requirements of law, recognizing the low density nature of this subdivision and character of the surrounding locale.

dence as a condition to this Order.

The other agencies of Baltimore County all indicated that the plan was appropriate and that there were no outstanding issues.

As to the citizens who attended, all reside along Granite Road on the east side of the property. Their concerns all related to lot No. 4 as shown on the plan. They do not object to the balance of the development on this site. As the plan indicates, lot No. 4 is accessed by a driveway which is located between the properties owned by Mr. and Mrs. Hale and Mr. and Mrs. Gerhold. This driveway winds to the interior of the subject site and the location of a proposed single family house on lot No. 4.

A number of questions were raised about this lot and the access thereto. There were concerns expressed over the exact placement of the lot and area of the building envelope. Mr. Trueschler responded to these questions and indicated that the site had been field surveyed and that the

placement of the dwelling was appropriate. He fielded the questions raised by the Protestants appropriately and adequately addressed the concerns expressed in my view. He also discussed, along with Mr. Schreiber, the vehicular access and sight distances from the proposed driveway along Granite Road. Those all appeared to be appropriate and satisfy Baltimore County and State Highway Administration standards.

Perhaps, the citizens' concerns were best summed up by the testimony of Mr. Gerhold. He noted that the community of homes along Granite Road was a well established community of long time homeowners. He fears for the damage to the ambiance of the surrounding locale. Clearly, this is a tranquil area and he wants the existing character of the vicinity to be maintained.

I am appreciative of the citizens' comments in this regard. It is quite logical that they wish to preserve the existing character of the neighborhood. However, it must be recognized that a property owner has the right to utilize his property in a lawful manner, so long as he observes all relevant development codes and regulations. Clearly, this is not a case where the Developer is overburdening the existing land and stretching the available density to its limit. Under the existing density regulations, 19 lots would be permitted. Less than one-half of that number are actually proposed. Thus, although I am appreciative of the Protestants concerns, I do not deem it appropriate to reduce the number of lots proposed on this site. The location and use of lot No. 4 is appropriate. Moreover, the proposed house will be buffered by the installation of evergreens and landscaping on its east side, towards the back of the homes on Granite Road. For these reasons, I am not persuaded to alter the plan and reduce the number of lots or eliminate lot No. 4. Therefore, the red line plan, as submitted, shall be approved.

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 10301 Marriottsville Road, Randalistown, MD 21133 which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

PRACTICAL DIFFICULTY - SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to he bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the Contract Purchaser/Lessee: N/A Walter It. The BARBARA C. HILL work (410) 242-2200 Randallstown, Maryland 21133

40 West Chesapeake Ave. Suite 605

Printed with Soybean Ink on Recycled Paper

ATTACHMENT TO PETITION FOR VARIANCE FOR 10301 MARRIOTTSVILLE ROAD

PETITION FOR VARIANCE FROM SECTIONS:

1A04.3.B.3. to permit a 70 foot front yard setback in lieu of the required 75' front yard setback from the centerline of Marriottsville Road thus permitting the existing house to remain in its current location rather than be razed.

JUSTIFICATION FOR PETITION FOR VARIANCE

The petitioners would like the opportunity to preserve an existing house which they value for its character and aesthetic appeal. The front of the house is located 70' from the centerline of Marriottsville Road. Given the age and condition of the house, moving it is impossible or impractical; the risk of damage and/or prohibitive cost of relocation render compliance with the 75' front yard setback unnecessarily burdensome. Thus, strict compliance with the Baltimore County Zoning Regulations results in practical difficulty

Granting the requested variance would not result in a substantial injustice to the applicant or to other property owners. The house has existed in its current location for approximately 60 yea: s, and therefore, the variance will simply maintain the status quo.

The relief sought complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare by allowing the preservation of an existing structure which has been generally and consistently encouraged by the Baltimore Council through legislation and by the Office Planning & Zoning policy.

JOEL M. LEININGER DAVID S. PAPLAUCKAS THOMAS L. WILHELM

LAND SURVEYORS S. J. MARTENET & COMPANY, INC. ESTABLISHED 1849 190 WEST OSTEND STREET BALTIMORE, MARYLAND 21230 (410) 539-4263

SIMON J. MARTENET 1849-1892 HARRY G. JAVINS 1871-1894 SEPTIMUS P. TUSTIN 1870-1921 J. HOWARD SUTTON 1884-1940 WILLIAM O. ATWOOD 1887-1931 SAMUEL A. THOMPSON 1898-1944 SEORGE E. WIMMER 1907-1943 HOWARD D. TUSTIN 1907-1960 HOWARD C. SUTTON 1944-1969 HOWARD D. TUSTIN, JR. 1945-1988

DESCRIPTION TO ACCOMPANY VARIANCE PETITION PROPERTY OF WALTER HILL SECOND ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same in the center of Mariottsville Road at a point distant South 62° 11' 23" West 300.00 feet (measured along the center of said road) from the intersection of the center of said road and the center of Granite Road, and running thence, with all courses of this description referred to the meridian established in the Baltimore County Metropolitan District, the seven following courses and distances, viz:

(1) South 14° 06' 15" West 557.65 feet,

(2) North 75° 53' 45" West 200.00 feet,

(3) South 14° 50' 30" West 125.00 feet,

(4) North 47° 39' 29" West 260.00 feet, (5) North 01° 36' 20" West 300.00 feet,

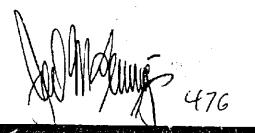
(6) North 88° 23' 40" East 317.99 feet, and

(7) North 62° 11' 23" East 276.53 feet to the point of

beginning; containing 4.5867 acres of land, more or less.

*** NOTE: THIS DESCRIPTION WAS PREPARED SOLELY TO BE USED ZONING PURPOSES AND IS NOT INTENDED TO BE USED IN THE CONVEYANCE OF REAL PROPERTY.

Page 1 of 1



DISMISSED.